HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 4564 of 2007

PETITIONER Raghav Prasad Verma, Aged about 61 years, S/o. Late Shri Tularam Verma, Lab Assistant, Govt. High School, Singarpur, Vikash Khand-Bhatapara, District Raipur, R/o. Naya Ganj Ward Mandi Road, Bhatapara, District Raipur (C.G)

Versus

RESPONDENTS

1. The State of Chhattisgarh, Through: the Secretary, Department of School Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G).
2. The Collector, Raipur, District Raipur (C.G).
3. District Education Officer, Raipur, District Raipur (C.G).

Writ Petition u/s 226 of the Constitution of India

Appearance:

Shri Raghavendra Pradhan, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State on advance copy.

ORAL ORDER
(06.08.2007)

Sunil Kumar Sinha, J.

Heard finally with the consent of the parties.

The petitioner, who is working as a Lab Assistant in Government High School, Singarpur, has been transferred to Girls Higher Secondary School, Nevra on administrative grounds by order dated 22.07.2007 (Annexure-P/1).

Referring to the contents of Annexure-P/2 (which is extract of relevant page of service-book), learned counsel for the petitioner argues that the date of birth of the petitioner is 1.4.1946, according to which, the petitioner has to retire on 31st March, 2008. He submits that if he is transferred from Government High School, Singarpur to the new place just 8 months prior to the date

of superannuation, he would be facing much hardship. He also refers to clause No. 7 of policy dated 13th June, 2007, according to which, the case of petitioner, who is at the verge of retirement was to be considered according to the said clause. He further submits that the aforesaid transfer is in violation of the said policy of the Government.

After hearing the counsel for the petitioner and State, after going through the contents of the petition as well as documents (Annexures-P/1 & P/2) and the contents of the policy vide clause 7, in the opinion of this Court, ends of justice would be served, if the petitioner is allowed to file a representation before the concerned authority invoking the provisions of clause 7 of the policy dated 13th June, 2007.

Accordingly, this petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period of 3 weeks from today along with copy of this order and copy of writ petition and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of two months from the date of receipt of the said representation. It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting (Singarpur) and shall be allowed to continue there.

With the aforesaid directions/observations, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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